



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,581	05/12/2006	Marco Peyer	126954	6484
25944 7590 09/21/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
KIM, AHSHIK				
ART UNIT		PAPER NUMBER		
2876				
MAIL DATE		DELIVERY MODE		
09/21/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/568,581

**Applicant(s)**

PEYER, MARCO

**Examiner**

Ahshik Kim

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/17/06 (Preliminary Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-19 and 22 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/11/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is the first action relating to U.S. Application Serial No. 10/568,581 filed on February 17, 2006.

5

#### *Preliminary Amendment*

2. Receipt is acknowledged of the preliminary amendment filed on February 17, 2006. Currently claims 1-22 remain in the examination.

10

#### *Specification*

3. Applicant(s) are reminded to include the following in the next communication with respect to the header(s) within the specification as following:

a) -- **Background of the Invention** --: The specification should set forth Background of the Invention in two parts: --**Field of the Invention** -- and -- **Description of the**  
15 **Related Art** -- (if there are prior arts to be disclosed in the specification).

b) -- **Brief Summary of the Invention** --.

c) -- **Brief Description of the Several Views of the Drawing(s)** --.

d) -- **Detailed Description of the Invention** --.

Appropriate correction is required.

20

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 5     5.     Claims 1-3, 5-8, 11-14, 16-19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0091639 to Mandahl et al. (hereinafter “Mandahl”).

Re claims 1 and 12, Mandahl discloses a system and method for providing customized information (see abstract) wherein the user accessing a central unit 20 via a network by means of communication device 26/34 (see figure 1) wherein the users are identified by user profile and a group profile (see figure 4, paragraphs 0002, 0005, and 0006), and the users are identified to the system via sign-on (see figure 5; paragraph 0048); and the information is customized based on the user ID (see paragraph 0047). The information is delivered to the user internal, external and mobile users (see abstract; paragraph 0018).

Re claim 2, the individuals and groups are permitted with limited/customized information and application (see paragraphs 0031, 0037).

Re claims 3 and 14, although Mandahl does not use the term “filter,” the information is customized based on user’s permission (see paragraph 0037).

Re claims 5, 6, 16, and 17, the user profile regarding the service is a user behavior (see paragraph 0023) and user profile is stored in the database (see paragraph 0041). Relying on figure 1, the information stored in the database is accessible to the user for configuration (see paragraph 0022).

Re claims 7, 8, 18, and 19, the information may be delivered in different format depending on the character of the user device (i.e., mobile connection vs. on-line connection) (see paragraph 0043).

Re claims 11, 13, and 22, the URL of website is an example of HTML coding scheme (see paragraph 0045). URL of website can be interpreted as a destination.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0091639 to Mandahl et al. in view of US 7,181,417 B1 to Langseth et al. (hereinafter "Langseth").

The teachings of Mandahl have been discussed above.

While Mandahl provided such customized service, Mandahl fails to specifically teach or fairly suggest how the users are being billed for the service.

Langseth discloses a system and method for providing customers with personalized information (see abstract) which is delivered in many format including mobile phone receivable format. Billing information is also forwarded to the customer (see step 908 of figure 18; col. 8, lines 18+).

In view of Langseth's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to include billing information and forward it to the customer so that the service provider be paid for the valuable service it provides. Mandahl's embodiment includes providing services to customers within the enterprise as well as to external customers

(see paragraph 0005). In case of providing services to external customers, the cost of providing such customized service would be forwarded to the customer.

***Allowable Subject Matter***

8. Claims 9, 10, 20, and 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The claims are directed at a system and method for making information available to the users comprising all the steps in the method claim and components in the system claim (see claims 1 and 12). Additional limitation wherein access request data is transmitted over a first bidirectional communication channel and personalized data are transmitted over a second channel in the encrypted format is neither disclosed nor suggested by the cited references.

***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Chang (US 2003/0200173); Gorti et al. (US 2006/0020508); Galietti (US 7,174,311) disclose system and method for providing information to users. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 8:00 AM to 5:00 PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax phone number for this Group is (571)273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available for Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ahshik Kim/

Primary Examiner  
Art Unit 2876  
September 17, 2009